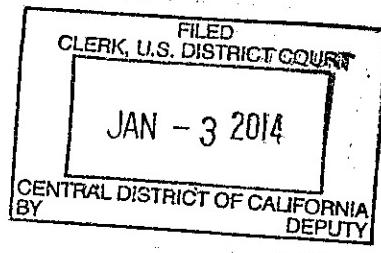


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7
8 *Attorneys for Plaintiff,*
Matthew M. Loker
9



10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 MATTHEW M. LOKER;
13 INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

14 Plaintiff,

15 v.

16 PINCURLS, LLC; AND
17 DEMANDFORCE, INC.,

18 Defendants.
19

Case No.: 14-0051 SJO(PJWx)
CLASS ACTION

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF PURSUANT
TO THE TELEPHONE CONSUMER
PROTECTION ACT, 47 U.S.C. § 227,
ET SEQ.

JURY TRIAL DEMANDED

20 ///

21 ///

22 ///

23 ///

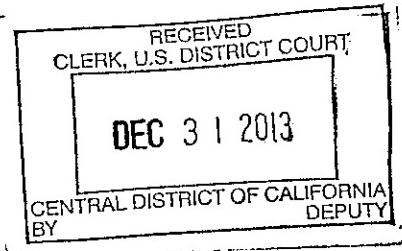
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28 ///



1 INTRODUCTION
2

- 3 1. MATTHEW M. LOKER ("Plaintiff"), brings this Class Action Complaint
4 for damages, injunctive relief, and any other available legal or equitable
5 remedies, resulting from the illegal actions of PINCURLS, LLC
6 ("PINCURLS" or "Defendants"), and DEMANDFORCE, INC.
7 ("DEMANDFORCE" or "Defendants") in negligently contacting Plaintiff
8 on Plaintiff's cellular telephone, in violation of the Telephone Consumer
9 Protection Act, 47 U.S.C. § 227 et seq., ("TCPA"), thereby invading
10 Plaintiff's privacy. Plaintiff alleges as follows upon personal knowledge as
11 to himself and his own acts and experiences, and, as to all other matters,
12 upon information and belief, including investigation conducted by his
attorneys.
- 13 2. The TCPA was designed to prevent calls and messages like the ones
14 described within this complaint, and to protect the privacy of citizens like
15 Plaintiffs. "Voluminous consumer complaints about abuses of telephone
16 technology – for example, computerized calls dispatched to private homes –
17 prompted Congress to pass the TCPA." *Mims v. Arrow Fin. Servs., LLC*, 132
18 S. Ct. 740, 744 (2012).
- 19 3. In enacting the TCPA, Congress intended to give consumers a choice as to
20 how creditors and telemarketers may call them, and made specific findings
21 that "[t]echnologies that might allow consumers to avoid receiving such
22 calls are not universally available, are costly, are unlikely to be enforced, or
23 place an inordinate burden on the consumer. TCPA, Pub.L. No. 102-243,
24 § 11. Toward this end, Congress found that

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BEVERLY HILLS, CA 90211

[b]anning such automated or prerecorded telephone calls to the home, except when the receiving party consents to receiving the call or when such calls are necessary in an emergency situation affecting the health and safety of the consumer, is the only effective means of protecting telephone consumers from this nuisance and privacy invasion.

Id. at § 12; see also *Martin v. Leading Edge Recovery Solutions, LLC*, 2012 WL 3292838, at* 4 (N.D.Ill. Aug. 10, 2012) (citing Congressional findings on TCPA's purpose).

4. Congress also specifically found that "the evidence presented to the
9 Congress indicates that automated or prerecorded calls are a nuisance and an
invasion of privacy, regardless of the type of call...." *Id.* at §§ 12-13. See
also, *Mims*, 132 S. Ct. at 744.
5. As Judge Easterbrook of the Seventh Circuit recently explained in a TCPA
case regarding calls to a non-debtor similar to this one:

The Telephone Consumer Protection Act ... is well known for its provisions limiting junk-fax transmissions. A less-litigated part of the Act curtails the use of automated dialers and prerecorded messages to cell phones, whose subscribers often are billed by the minute as soon as the call is answered—and routing a call to voicemail counts as answering the call. An automated call to a landline phone can be an annoyance; an automated call to a cell phone adds expense to annoyance.

Soppet v. Enhanced Recovery Co., LLC, 679 F.3d 637, 638 (7th Cir. 2012).

JURISDICTION AND VENUE

6. This Court has federal question jurisdiction because this case arises out of violation of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012).
7. Because Defendant conducts business within the State of California, personal jurisdiction is established.

///

8. Venue is proper pursuant to 28 U.S.C. § 1331 for the following reasons: (i) Plaintiff resides in the City of Pismo Beach, County of San Luis Obispo, State of California which is within this judicial district; (ii) the conduct complained of herein occurred within this judicial district; and, (iii) Defendants conducted business within this judicial district at all times relevant.

PARTIES

9. Plaintiff is, and at all times mentioned herein was, a citizen and resident of the State of California. Plaintiff is, and at all times mentioned herein was a "person" as defined by 47 U.S.C. § 153 (10).

10. Plaintiff is informed and believes, and thereon alleges, that Defendant, PINCURLS is, and at all times mentioned herein was, a limited liability company whose principal place of business is in the State of Illinois. PINCURLS, is and at all times mentioned herein was, a limited liability company and is a "person," as defined by 47 U.S.C. § 153 (10). PINCURLS is a company that operates as a hair salon. Plaintiff alleges that at all times relevant herein PINCURLS conducted business in the State of California and in the County of San Luis Obispo, and within this judicial district

11. Plaintiff is informed and believes, and thereon alleges, that Defendant, DEMANDFORCE is, and at all times mentioned herein was, a corporation whose primary corporate address is in San Francisco, California and whose principal place of business is in the State of California. DEMANDFORCE, is and at all times mentioned herein was, a corporation and is a "person," as defined by 47 U.S.C. § 153 (10). DEMANDFORCE created an application to connect small local businesses, its clients, to consumers via text messaging and online services.

12. Plaintiff alleges that Defendant PINCURLS hired Defendant DEMANDFORCE to contact consumers on behalf of PINCURLS via unsolicited text messages.

FACTUAL ALLEGATIONS

13. At all times relevant, Plaintiff was a citizen of the State of California. Plaintiff is, and at all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153 (10).

14. Defendants are, and at all times mentioned herein were, companies and
“persons,” as defined by 47 U.S.C. § 153 (10).

15. At all times relevant Defendants conducted business in the State of California and in the County of San Luis Obispo, within this judicial district.

16. At no time did Plaintiff expressly consent to receive text messages from Defendants.

17. Beginning in November 2013, Defendants began contacting Plaintiff on Plaintiff's cellular telephone via an "automatic telephone dialing system," ("ATDS") as defined by 47 U.S.C. § 227(a)(1) using text messages sent to Plaintiff's cellular telephone as prohibited by 47 U.S.C. § 227(b)(1)(A)(ii) in order to attempt to solicit business from Plaintiff.

18. According to DEMANDFORCE's website, DEMANDFORCE is an "automated marketing and communications" tool that automatically manages email and text communications. See www.demandforce.com/product.

19. On November 4, 2013, Plaintiff received the following text messages from 502-92, a number attributed to Defendant DEMANDFORCE soliciting business on behalf of PIN CURLS. This text message stated:

Pin Curls – A Paul Mitchell Focus Salon offers text reminders. Reply with ‘Y’ to sign up. Reply HELP for help. Msg freq varies by use. Msg&data rates may apply.

1 20. Plaintiff has never visited any location operated by PIN CURLS, has never
2 provided Plaintiff's cellular telephone number PIN CURLS, nor has Plaintiff
3 ever heard of PIN CURLS.

4 21. For those reasons, Plaintiff responded to Defendants' unsolicited text
5 message by stating "Stop".

6 22. Immediately thereafter, Defendants responded by stating:

7
8 Demandforce Alerts: You have been unsubscribed and will no
9 longer receive msgs. Info? www.demandforce.com/sms or 1-
10 800-220-1136.¹

11 23. On information and belief, Defendant DEMANDFORCE's ATDS has the
12 capacity to store or produce telephone numbers to be called, using a random
13 or sequential number generator.

14 24. The telephone number Defendant contacted was assigned to a cellular
15 telephone service for which Plaintiff incurred a charge for incoming calls
16 and texts pursuant to 47 U.S.C. § 227(b)(1).

17 25. This telephone communication constituted a communication that was not for
18 emergency purposes as defined by 47 U.S.C. § 227(b)(1)(A)(i).

19 26. The text message constituted a telephone solicitation as defined by 47
20 U.S.C. § 227(a)(4).

21 27. The telephone communication constituted a communication that was not for
22 emergency purposes as defined by 47 U.S.C. § 227 (b)(1)(A)(i).

23 28. Plaintiff did not provide prior express consent to receive calls or messages
24 on Plaintiff's cellular telephone, pursuant to 47 U.S.C. § 227 (b)(1)(A).

25 29. The telephone communication by Defendants, or its agent, violated 47
26 U.S.C. § 227(b)(1).

27
28 ¹ For purposes of the current Action, Plaintiff only seeks to prosecute this action as it pertains to
the first unsolicited text message received by Plaintiff on November 4, 2013. See ¶ 19.

1 CLASS ACTION ALLEGATIONS
2
3

4 30. Plaintiff brings this action on behalf of himself and on behalf of and all
5 others similarly situated ("the Class).
6
7

8 31. Plaintiff represents, and is a member of the Class, consisting of all persons
9 within the United States who received any telephone call from Defendant or
10 their agent/s and/or employee/s to said person's cellular telephone made
11 through the use of any automatic telephone dialing system or with an
12 artificial or prerecorded voice, which call was not made for emergency
13 purposes within the four years prior to the filing of this Complaint.
14

15 32. Defendants and their employees or agents are excluded from the Class.
16 Plaintiff does not know the number of members in the Class, but believes the
17 Class members number in the hundreds of thousands, if not more. Thus, this
18 matter should be certified as a Class action to assist in the expeditious
19 litigation of this matter.
20

21 33. Plaintiff and members of the Class were harmed by the acts of Defendants in
22 at least the following ways: Defendants, either directly or through their
23 agents, illegally contacted Plaintiff and the Class members via their cellular
24 telephones by using marketing and text messages, thereby causing Plaintiff
25 and the Class members to incur certain cellular telephone charges or reduce
26 cellular telephone time for which Plaintiff and the Class members previously
27 paid, and invading the privacy of said Plaintiff and the Class members.
28 Plaintiff and the Class members were damaged thereby.

34. This suit seeks only damages and injunctive relief for recovery of economic
injury on behalf of the Class, and it expressly is not intended to request any
recovery for personal injury and claims related thereto. Plaintiff reserves the
right to expand the Class definition to seek recovery on behalf of additional
persons as warranted as facts are learned in further investigation and
discovery.

1 35. The joinder of the Class members is impractical and the disposition of their
2 claims in the Class action will provide substantial benefits both to the parties
3 and to the court. The Class can be identified through Defendants' records or
4 Defendants' agents' records.

5 36. There is a well-defined community of interest in the questions of law and
6 fact involved affecting the parties to be represented. The questions of law
7 and fact to the Class predominate over questions which may affect
8 individual Class members, including the following:

- 9 a. Whether, within the four years prior to the filing of this Complaint,
10 Defendant or its agents initiated any telephonic communications to the
11 Class (other than a message made for emergency purposes or made
12 with the prior express consent of the called party) to a Class member
13 using any automatic dialing and/or SMS texting system to any
14 telephone number assigned to a cellular phone service;
- 15 b. Whether Defendant can meet its burden of showing it obtained prior
16 express consent (i.e., consent that is clearly and unmistakably stated);
- 17 c. Whether Defendant's conduct was knowing and/or willful;
- 18 d. Whether Plaintiff and the Class members were damaged thereby, and
19 the extent of damages for such violation; and
- 20 e. Whether Defendants and its agents should be enjoined from engaging
21 in such conduct in the future.

22 37. As a person that received at least one marketing and text message without
23 Plaintiff's prior express consent, Plaintiff is asserting claims that are typical
24 of the Class. Plaintiff will fairly and adequately represent and protect the
25 interests of the Class in that Plaintiff has no interests antagonistic to any
26 member of the Class.

27 38. Plaintiff and the members of the Class have all suffered irreparable harm as
28 a result of the Defendants' unlawful and wrongful conduct. Absent a class

1 action, the Class will continue to face the potential for irreparable harm. In
2 addition, these violations of law will be allowed to proceed without remedy
3 and Defendants will likely continue such illegal conduct. Because of the
4 size of the individual Class member's claims, few, if any, Class members
5 could afford to seek legal redress for the wrongs complained of herein.

6 39. Plaintiff has retained counsel experienced in handling class action claims
7 and claims involving violations of the Telephone Consumer Protection Act.

8 40. A class action is a superior method for the fair and efficient adjudication of
9 this controversy. Class-wide damages are essential to induce Defendant to
10 comply with federal and California law. The interest of Class members in
11 individually controlling the prosecution of separate claims against
12 Defendants is small because the maximum statutory damages in an
13 individual action for violation of privacy are minimal. Management of these
14 claims is likely to present significantly fewer difficulties than those
15 presented in many class claims.

16 41. Defendants acted on grounds generally applicable to the Class, thereby
17 making appropriate final injunctive relief and corresponding declaratory
18 relief with respect to the Class as a whole.

19 **FIRST CAUSE OF ACTION**

20 **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**

21 **47 U.S.C. § 227 ET SEQ.**

22 42. Plaintiff incorporates by reference all of the above paragraphs of this
23 Complaint as though fully stated herein.

24 43. The foregoing acts and omissions of Defendant constitute numerous and
25 multiple negligent violations of the TCPA, including but not limited to each
26 and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

44. As a result of Defendants' negligent violations of 47 U.S.C. § 227 et seq., Plaintiff and The Class are entitled to an award of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

45. Plaintiffs and the Class are also entitled to and seek injunctive relief prohibiting such conduct in the future.

SECOND CAUSE OF ACTION

**KNOWING AND/OR WILLFUL VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT**

47 U.S.C. § 227 ET SEQ.

46. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

47. The foregoing acts and omissions of Defendants constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

48. As a result of Defendants' knowing and/or willful violations of 47 U.S.C. § 227 et seq., Plaintiff and The Class are entitled to an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

49. Plaintiff and the Class are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff, and The Class members the following relief against Defendants:

**FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF
THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- As a result of Defendants' negligent violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for himself and each Class member \$500.00 in statutory

1 damages, for each and every violation, pursuant to 47 U.S.C. §
2 227(b)(3)(B).

- 3 • Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such
4 conduct in the future.
5 • Any other relief the Court may deem just and proper.

6 **SECOND CAUSE OF ACTION FOR KNOWING/WILFUL VIOLATION OF**
7 **THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- 8 • As a result of Defendants' negligent violations of 47 U.S.C. § 227(b)(1),
9 Plaintiff seeks for himself and each Class member \$1,500.00 in statutory
10 damages, for each and every violation, pursuant to 47 U.S.C. §
11 227(b)(3)(B).
12 • Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such
13 conduct in the future.
14 • Any other relief the Court may deem just and proper.

15 **TRIAL BY JURY**

16 50. Pursuant to the seventh amendment to the Constitution of the United States
17 of America, Plaintiff is entitled to, and demands, a trial by jury.

18
19 Dated: December 9, 2013

20 Respectfully submitted,

21 LAW OFFICES OF TODD M. FRIEDMAN, P.C.

22
23 By: _____
24 TODD M. FRIEDMAN, ESQ.
25 ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge S. James Otero and the assigned Magistrate Judge is Patrick J. Walsh.

The case number on all documents filed with the Court should read as follows:

2:14CV51 SJO PJWx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

January 3, 2014

Date

By J.Prado

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Todd M. Friedman, Esq.
Law Offices of Todd M. Friedman, P.C.
369 S. Doheny Dr., #415
Beverly Hills, CA 90211
Phone: 877-206-4741
Fax: 866-633-0228

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MATTHEW M. LOKER; INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,

PLAINTIFF(S)

v.

PINCURLS, LLC; AND DEMANDFORCE, INC.,

DEFENDANT(S).

CASE NUMBER

CV 14-0051 SJO (PJWx)

SUMMONS

TO: DEFENDANT(S): PINCURLS, LLC; AND DEMANDFORCE, INC.

A lawsuit has been filed against you.

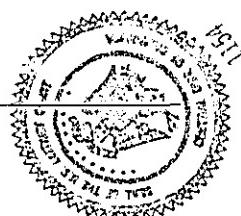
Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Todd M. Friedman, whose address is Law Offices of Todd M. Friedman, 369 S. Doheny Dr., #415, Beverly Hills, CA 90211. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 1/3/14

JULIE PRADO
By: _____
Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) MATTHEW M. LOKER; INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED,	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) PINCURLS, LLC; AND DEMANDFORCE, INC.,				
(b) County of Residence of First Listed Plaintiff <u>San Luis Obispo</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>					
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Law Offices of Todd M. Friedman, P.C. 369 S. Doheny Dr., #415, Beverly Hills, CA 90211 Phone: (877) 206-4741					
II. BASIS OF JURISDICTION (Place an X in one box only.)					
<input type="checkbox"/> 1. U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)				
<input type="checkbox"/> 2. U.S. Government Defendant	<input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)				
III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only <small>(Place an X in one box for plaintiff and one for defendant)</small>					
Citizen of This State <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4				
Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5				
Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6				
IV. ORIGIN (Place an X in one box only.)					
<input checked="" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multi-District Litigation
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check "Yes" only if demanded in complaint.)					
CLASS ACTION under F.R.Cv.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			MONEY DEMANDED IN COMPLAINT: \$ 5,000,000.00		
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 47 U.S.C. 227, et seq., Telephone Consumer Protection Act					
VII. NATURE OF SUIT (Place an X in one box only).					
OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions TORTS PERSONAL INJURY	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY ACT <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g))
			BANKRUPTCY	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
			CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	 LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act
		REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	
					CV 14 - 0051

FOR OFFICE USE ONLY:

Case Number:

CV-71 (11/13)

CIVIL COVER SHEET

Page 1 of 3

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?	STATE CASE WAS PENDING IN THE COUNTY OF	INITIAL DIVISION IN CACD IS
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Los Angeles	Western
If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action?	If the United States, or one of its agencies or employees, is a party to this action, check the box to the right and enter the corresponding division in response to Question D, below, and skip to Section IX.	INITIAL DIVISION IN CACD IS	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> PLAINTIFF	<input type="checkbox"/> DEFENDANT	
If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	Then check the box below for the county in which the majority of DEFENDANTS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies:	C.2. Is either of the following true? If so, check the one that applies:
<input type="checkbox"/> 2 or more answers in Column C	<input type="checkbox"/> 2 or more answers in Column D
<input type="checkbox"/> only 1 answer in Column C and no answers in Column D	<input type="checkbox"/> only 1 answer in Column D and no answers in Column C
<p>Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →</p>	
<p>Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.</p>	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- A. Arise from the same or closely related transactions, happenings, or events; or
 - B. Call for determination of the same or substantially related or similar questions of law and fact; or
 - C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 - D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):** _____

DATE: December 9, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 if not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))